

SB1845



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB1845

Introduced 2/25/2005, by Sen. Edward Petka

SYNOPSIS AS INTRODUCED:

720 ILCS 570/402

from Ch. 56 1/2, par. 1402

Amends the Illinois Controlled Substances Act. Makes a technical change in the Section concerning the unlawful possession of a controlled substance.

LRB094 11471 RLC 42408 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Controlled Substances Act is
5 amended by changing Section 402 as follows:

6 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

7 Sec. 402. Except as otherwise authorized by this ~~this~~ Act,
8 it is unlawful for any person knowingly to possess a controlled
9 or counterfeit substance. A violation of this Act with respect
10 to each of the controlled substances listed herein constitutes
11 a single and separate violation of this Act.

12 (a) Any person who violates this Section with respect to
13 the following controlled or counterfeit substances and
14 amounts, notwithstanding any of the provisions of subsections
15 (c) and (d) to the contrary, is guilty of a Class 1 felony and
16 shall, if sentenced to a term of imprisonment, be sentenced as
17 provided in this subsection (a) and fined as provided in
18 subsection (b):

19 (1) (A) not less than 4 years and not more than 15
20 years with respect to 15 grams or more but less than
21 100 grams of a substance containing heroin;

22 (B) not less than 6 years and not more than 30
23 years with respect to 100 grams or more but less than
24 400 grams of a substance containing heroin;

25 (C) not less than 8 years and not more than 40
26 years with respect to 400 grams or more but less than
27 900 grams of any substance containing heroin;

28 (D) not less than 10 years and not more than 50
29 years with respect to 900 grams or more of any
30 substance containing heroin;

31 (2) (A) not less than 4 years and not more than 15

1 years with respect to 15 grams or more but less than
2 100 grams of any substance containing cocaine;

3 (B) not less than 6 years and not more than 30
4 years with respect to 100 grams or more but less than
5 400 grams of any substance containing cocaine;

6 (C) not less than 8 years and not more than 40
7 years with respect to 400 grams or more but less than
8 900 grams of any substance containing cocaine;

9 (D) not less than 10 years and not more than 50
10 years with respect to 900 grams or more of any
11 substance containing cocaine;

12 (3) (A) not less than 4 years and not more than 15
13 years with respect to 15 grams or more but less than
14 100 grams of any substance containing morphine;

15 (B) not less than 6 years and not more than 30
16 years with respect to 100 grams or more but less than
17 400 grams of any substance containing morphine;

18 (C) not less than 6 years and not more than 40
19 years with respect to 400 grams or more but less than
20 900 grams of any substance containing morphine;

21 (D) not less than 10 years and not more than 50
22 years with respect to 900 grams or more of any
23 substance containing morphine;

24 (4) 200 grams or more of any substance containing
25 peyote;

26 (5) 200 grams or more of any substance containing a
27 derivative of barbituric acid or any of the salts of a
28 derivative of barbituric acid;

29 (6) 200 grams or more of any substance containing
30 amphetamine or any salt of an optical isomer of
31 amphetamine;

32 (6.5) (A) not less than 4 years and not more than 15
33 years with respect to 15 grams or more but less than
34 100 grams of a substance containing methamphetamine or
35 any salt of an optical isomer of methamphetamine;

1 (B) not less than 6 years and not more than 30
2 years with respect to 100 grams or more but less than
3 400 grams of a substance containing methamphetamine or
4 any salt of an optical isomer of methamphetamine;

5 (C) not less than 8 years and not more than 40
6 years with respect to 400 grams or more but less than
7 900 grams of a substance containing methamphetamine or
8 any salt of an optical isomer of methamphetamine;

9 (D) not less than 10 years and not more than 50
10 years with respect to 900 grams or more of any
11 substance containing methamphetamine or any salt of an
12 optical isomer of methamphetamine;

13 (7) (A) not less than 4 years and not more than 15
14 years with respect to: (i) 15 grams or more but less
15 than 100 grams of any substance containing lysergic
16 acid diethylamide (LSD), or an analog thereof, or (ii)
17 15 or more objects or 15 or more segregated parts of an
18 object or objects but less than 200 objects or 200
19 segregated parts of an object or objects containing in
20 them or having upon them any amount of any substance
21 containing lysergic acid diethylamide (LSD), or an
22 analog thereof;

23 (B) not less than 6 years and not more than 30
24 years with respect to: (i) 100 grams or more but less
25 than 400 grams of any substance containing lysergic
26 acid diethylamide (LSD), or an analog thereof, or (ii)
27 200 or more objects or 200 or more segregated parts of
28 an object or objects but less than 600 objects or less
29 than 600 segregated parts of an object or objects
30 containing in them or having upon them any amount of
31 any substance containing lysergic acid diethylamide
32 (LSD), or an analog thereof;

33 (C) not less than 8 years and not more than 40
34 years with respect to: (i) 400 grams or more but less
35 than 900 grams of any substance containing lysergic
36 acid diethylamide (LSD), or an analog thereof, or (ii)

1 600 or more objects or 600 or more segregated parts of
2 an object or objects but less than 1500 objects or 1500
3 segregated parts of an object or objects containing in
4 them or having upon them any amount of any substance
5 containing lysergic acid diethylamide (LSD), or an
6 analog thereof;

7 (D) not less than 10 years and not more than 50
8 years with respect to: (i) 900 grams or more of any
9 substance containing lysergic acid diethylamide (LSD),
10 or an analog thereof, or (ii) 1500 or more objects or
11 1500 or more segregated parts of an object or objects
12 containing in them or having upon them any amount of a
13 substance containing lysergic acid diethylamide (LSD),
14 or an analog thereof;

15 (7.5) (A) not less than 4 years and not more than 15
16 years with respect to: (i) 15 grams or more but less
17 than 100 grams of any substance listed in paragraph
18 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
19 (25), or (26) of subsection (d) of Section 204, or an
20 analog or derivative thereof, or (ii) 15 or more pills,
21 tablets, caplets, capsules, or objects but less than
22 200 pills, tablets, caplets, capsules, or objects
23 containing in them or having upon them any amount of
24 any substance listed in paragraph (1), (2), (2.1), (3),
25 (14.1), (19), (20), (20.1), (21), (25), or (26) of
26 subsection (d) of Section 204, or an analog or
27 derivative thereof;

28 (B) not less than 6 years and not more than 30
29 years with respect to: (i) 100 grams or more but less
30 than 400 grams of any substance listed in paragraph
31 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
32 (25), or (26) of subsection (d) of Section 204, or an
33 analog or derivative thereof, or (ii) 200 or more
34 pills, tablets, caplets, capsules, or objects but less
35 than 600 pills, tablets, caplets, capsules, or objects
36 containing in them or having upon them any amount of

1 any substance listed in paragraph (1), (2), (2.1), (3),
2 (14.1), (19), (20), (20.1), (21), (25), or (26) of
3 subsection (d) of Section 204, or an analog or
4 derivative thereof;

5 (C) not less than 8 years and not more than 40
6 years with respect to: (i) 400 grams or more but less
7 than 900 grams of any substance listed in paragraph
8 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
9 (25), or (26) of subsection (d) of Section 204, or an
10 analog or derivative thereof, or (ii) 600 or more
11 pills, tablets, caplets, capsules, or objects but less
12 than 1,500 pills, tablets, caplets, capsules, or
13 objects containing in them or having upon them any
14 amount of any substance listed in paragraph (1), (2),
15 (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or
16 (26) of subsection (d) of Section 204, or an analog or
17 derivative thereof;

18 (D) not less than 10 years and not more than 50
19 years with respect to: (i) 900 grams or more of any
20 substance listed in paragraph (1), (2), (2.1), (3),
21 (14.1), (19), (20), (20.1), (21), (25), or (26) of
22 subsection (d) of Section 204, or an analog or
23 derivative thereof, or (ii) 1,500 or more pills,
24 tablets, caplets, capsules, or objects containing in
25 them or having upon them any amount of a substance
26 listed in paragraph (1), (2), (2.1), (3), (14.1), (19),
27 (20), (20.1), (21), (25), or (26) of subsection (d) of
28 Section 204, or an analog or derivative thereof;

29 (8) 30 grams or more of any substance containing
30 pentazocine or any of the salts, isomers and salts of
31 isomers of pentazocine, or an analog thereof;

32 (9) 30 grams or more of any substance containing
33 methaqualone or any of the salts, isomers and salts of
34 isomers of methaqualone;

35 (10) 30 grams or more of any substance containing
36 phencyclidine or any of the salts, isomers and salts of

1 isomers of phencyclidine (PCP);

2 (10.5) 30 grams or more of any substance containing
3 ketamine or any of the salts, isomers and salts of isomers
4 of ketamine;

5 (11) 200 grams or more of any substance containing any
6 substance classified as a narcotic drug in Schedules I or
7 II which is not otherwise included in this subsection.

8 (b) Any person sentenced with respect to violations of
9 paragraph (1), (2), (3), (6.5), (7), or (7.5) of subsection (a)
10 involving 100 grams or more of the controlled substance named
11 therein, may in addition to the penalties provided therein, be
12 fined an amount not to exceed \$200,000 or the full street value
13 of the controlled or counterfeit substances, whichever is
14 greater. The term "street value" shall have the meaning
15 ascribed in Section 110-5 of the Code of Criminal Procedure of
16 1963. Any person sentenced with respect to any other provision
17 of subsection (a), may in addition to the penalties provided
18 therein, be fined an amount not to exceed \$200,000.

19 (c) Any person who violates this Section with regard to an
20 amount of a controlled or counterfeit substance not set forth
21 in subsection (a) or (d) is guilty of a Class 4 felony. The
22 fine for a violation punishable under this subsection (c) shall
23 not be more than \$25,000.

24 (d) Any person who violates this Section with regard to any
25 amount of anabolic steroid is guilty of a Class C misdemeanor
26 for the first offense and a Class B misdemeanor for a
27 subsequent offense committed within 2 years of a prior
28 conviction.

29 (Source: P.A. 91-336, eff. 1-1-00; 91-357, eff. 7-29-99;
30 92-256, eff. 1-1-02.)